

REMARKS

Summary of the Office Action

Claims 1, 2, 4-6, 8-11, 13-15 and 17-21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Yoritsugu et al.* (JP 10-126614 A).

Claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.* (U.S. Patent No. 5,539,523).

Summary of the Response to the Office Action

Applicants have amended claims 1, 2, 4-11 and 13-15 to differently describe the invention and to improve their form. Accordingly, claims 1, 2, 4-11, and 13-21 remain pending in this application for further consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 2, 4-6, 8-11, 13-15 and 17-21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Yoritsugu et al.* Claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Yoritsugu et al.* in view of *Nakai et al.* To the extent that these rejections might still apply to the newly amended claims, they are respectfully traversed as being based upon references that neither teach nor suggest the novel combination of features now clearly recited in the claims.

With regard to independent claim 1, as newly-amended, Applicants respectfully submit that *Yoritsugu et al.* does not teach or suggest the claimed combination, including at least the recited feature of “judging means for judging whether or not said object image is present in said

input image, on the basis of whether or not the plurality of magnification levels estimated by said plurality of magnification estimating means are coincident with one another.”

The Final Office Action appears to allege that disclosures in *Yoritsugu et al.* meet the limitations in independent claim 1 by citing to paragraphs [0034], [0038], [0047]-[0049] and Figs. 6 and 12. However, Applicants respectfully submit that *Yoritsugu et al.* in [0047] and [0048] discloses that a coincidence degree between a circular pattern and an object image is merely detected, but neither teaches nor suggests that a plurality of magnification levels are compared with one another. That is, in contrast to Applicants’ claimed invention, Applicants respectfully submit that *Yoritsugu et al.* fails to teach or suggest at least the feature of “judging means for judging whether or not said object image is present in said input image, on the basis of whether or not the plurality of magnification levels estimated by said plurality of magnification estimating means are coincident with one another,” as recited by newly-amended independent claim 1.

For the similar reasons, Applicants respectfully submit that *Yoritsugu et al.* fails to teach or suggest at least the feature of “judging whether or not said object image is presented in said input image, on the basis of whether or not the plurality of magnification levels estimated by said plurality of magnification estimating means are coincident with one another,” as recited by newly-amended independent claim 10.

In addition, *Nakai et al.* does not cure the deficiencies of *Yoritsugu et al.* That is, *Nakai et al.* also fails to teach or suggest at least the above-mentioned features in newly-amended claims 1 and 10.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because the applied references do not teach or suggest each

feature of newly-amended independent claims 1 and 10. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that the rejections of dependent claims 2, 4-9, 11 and 13-21 should also be withdrawn at least because of their respective dependencies upon independent claims 1 and 10, and the reasons set forth above.

With no other rejection pending, Applicants respectfully submit that claims 1-2, 4-11, and 13-21 are in condition for allowance.

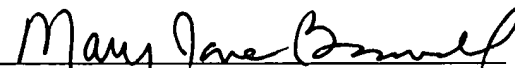
CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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